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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,717	02/05/2004	Michael J. Toutonghi	000013.P002	8295

52418 7590 04/16/2007
HAHN AND MOODLEY, LLP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/773,717	TOUTONGHI, MICHAEL J.	
	Examiner	Art Unit	
	Shin-Hon Chen	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 7-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilchrist U.S. Pat. No. 6950949 (hereinafter Gilchrist).

4. As per claim 1, Gilchrist discloses a method performed by a client comprising: receiving a password challenge from a server (Gilchrist: column 2 lines 22-34); and displaying a prompt asking a user for a password (Gilchrist: column 2 lines 39-40), the prompt including an authentication graphic visible to the user (Gilchrist: column 2 lines 22-35).

5. As per claim 2, Gilchrist discloses the method of claim 1. Gilchrist further discloses wherein displaying the prompt comprises calling a secure password prompt routine having access to a secure storage (Gilchrist: column 3 lines 31-46).

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6. As per claim 3, Gilchrist discloses the method of claim 2. Gilchrist further discloses wherein displaying the prompt further comprises retrieving a stored secret from the secure storage and generating the authentication graphic using the retrieved secret (Gilchrist: column 4 lines 50-62).

7. As per claim 4, Gilchrist discloses the method of claim 1. Gilchrist further discloses wherein the user can verify the authenticity of the prompt by comparing the authentication graphic to a known graphic (Gilchrist: column 4 lines 31-35).

8. As per claim 5, Gilchrist discloses the method of claim 4. Gilchrist further discloses wherein the known graphic is physically attached to the client (Gilchrist: column 3 lines 31-47).

9. As per claim 7, Gilchrist discloses the method of claim 3. Gilchrist further discloses wherein the secret becomes stored in the secure storage when first entered by the user (Gilchrist: column 5 lines 15-19).

10. As per claim 8, Gilchrist discloses the method of claim 3. Gilchrist further discloses wherein the secret becomes stored in the secure storage when generated based upon information entered by the user (Gilchrist: column 5 lines 15-19).

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11. As per claim 9-19, claims 9-19 encompass the same scope as claims 1-5 and 7-8.

Therefore, claims 9-19 are rejected based on the same reason set forth above in rejecting claims 1-5 and 7-8.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist in view of Kobata et al. U.S. Pub. No. 20060005237 (hereinafter Kobata).

14. As per claim 6 and 20, Gilchrist discloses the method of claims 1 and 15 respectively. Gilchrist does not explicitly disclose receiving the password from the user; generating a digest using the received password and password challenge; and sending the digest to the server. However, Kobata discloses generating message digest on password and transmit to server for authentication (Kobata: [0041]). It would have been obvious to one having ordinary skill in the art to generate a message digest on password because they are analogous art. Therefore, it would have been obvious to one having ordinary skill in the art to combine the teachings of Kobata within the system of Gilchrist because generating message digest on password is well known in the art for secure communication between client and server.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Examiner
Art Unit 2131

SC

SHH
SYED 2/10/2007
PRIMERY EXAMINER
KH 1/27